

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DOUGLAS WINSTON, Administrator)	Case No.: 1:14 CV 2670
of the Estate of T.R., Deceased, <i>et al.</i> ,)	
)	
Plaintiffs)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
CITY OF CLEVELAND, <i>et al.</i> ,)	
)	
Defendants)	<u>ORDER</u>

Presently pending before the court are Defendants Frank Garmback (“Garmback”) and Timothy Loehmann’s (“Loehmann”) (collectively, “Defendants”) Motion to Continue Case Management Conference (ECF No. 36), Defendants’ Motion to Redact (ECF No. 38), and Defendants’ Motion to Excuse Appearance at Case Management Conference (ECF No. 39). For the reasons stated below, the court denies the Motion to Continue and grants the Motion to Redact and the Motion to Excuse Appearance.

On June 1, 2015, this court stayed discovery for sixty days as to Defendants Garmback and Loehmann in light of Fifth Amendment concerns. (ECF No. 33.) The court did not stay proceedings, whatsoever, as to Defendant City of Cleveland (the “City”). (*Id.*) At that time, the court also set a case management conference (“CMC”) for June 25, 2015, at 11:00 a.m., in order to proceed with the proceedings and discovery as to the City. (*Id.*)

Defendants now move this court to continue the CMC or, in the alternative, to excuse Defendants’ appearance at the CMC. Because proceedings are still stayed for Defendants but not the City, the court finds that it would be inappropriate to continue the CMC, but does find it

appropriate to excuse the appearance of Defendants Garmback and Loehmann. Thus, the court denies the Motion to Continue and grants the Motion to Excuse Appearance.

Defendants also move this court to “redact any and all references to [Defendants’] home address[es] from” the Motion to Appoint Process Server (ECF No. 17), the Amended Complaint (ECF No. 14), and the Court Docket. (Defs.’ Mot. Redact at 1.) Defendants argue that providing the addresses violates “the rules of redaction and has place privileged information on the public Court docket system.” (*Id.*) Specifically, Defendants argue that Defendants’ constitutional right to privacy of their addresses exceeds any benefit to the public interest in disclosing the addresses. (*Id.* at 2.) The court finds Defendants’ argument to be well-taken.

The court finds the current case to be one where it is appropriate to redact the addresses of Defendants. In the Sixth Circuit, the court “will only balance an individual’s interest in nondisclosure of informational privacy against the public’s interest in and need for the invasion of privacy where the individual privacy interest is of constitutional dimension.” *Kallstrom v. City of Columbus*, 136 F.3d 1055, 1061 (6th Cir. 1998). The Sixth Circuit has held that disclosure of a person’s address “implicate[s] a fundamental liberty interest” in preserving that person’s, and their family’s, “personal security and bodily integrity.” *Id.* at 1062. In balancing that interest against the public interest in disclosing a person’s address, the Sixth Circuit has held that addresses should not be disclosed where it creates a real threat to the person’s or their family’s bodily safety. *Lambert v. Hartman*, 517 F.3d 433, 441 (6th Cir. 2008) (quoting *Kallstrom*, 136 F.3d at 1063).

Here, the potential threat of bodily harm or harassment to Defendants and their families exceeds the public interest in disclosing Defendants’ personal addresses. Defendants’ addresses have no relevance to this case and serve no public interest. Therefore, even the slightest potential

for harm or harassment to Defendants warrants redaction. The current case is undoubtedly an emotionally-charged one. The idea that disclosure of Defendants' home addresses could threaten their safety is reasonable. Thus, the court grants Defendants' Motion to Redact.

For the reasons stated above, the court hereby denies Defendants' Motion to Continue (ECF No. 36) and grants Defendants' Motion to Redact (ECF No. 38) and Defendants' Motion to Excuse Appearance (ECF No. 39).

IT IS SO ORDERED.

/S/ SOLOMON OLIVER, JR.
CHIEF JUDGE
UNITED STATES DISTRICT COURT

June 19, 2015